

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOHN GROTE,

Plaintiff,

-v-

MEDMINDER SYSTEMS, INC., *et al.*,
Defendants.

24-CV-6186 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

On May 16, 2025, the parties filed a purported stipulation of dismissal of this case, which contains Fair Labor Standards Act (“FLSA”) claims, with prejudice. (ECF No. 33.) The parties did not indicate whether that stipulation is the product of a settlement of the FLSA claims. Any such settlement must be approved by either the Court or the Department of Labor. *See Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199, 206 (2d Cir. 2015). The parties are directed to file, by June 24, 2025, a letter motion indicating (1) whether or not the FLSA claims in this case were settled, and (2) if so, why the proposed settlement is fair and reasonable. Discussion of the settlement’s fairness and reasonableness should reference, at a minimum, the following factors:

(1) the plaintiff’s range of possible recovery; (2) the extent to which “the settlement will enable the parties to avoid anticipated burdens and expenses in establishing their respective claims and defenses”; (3) the seriousness of the litigation risks faced by the parties; (4) whether “the settlement agreement is the product of arm’s-length bargaining between experienced counsel”; and (5) the possibility of fraud or collusion.

Wolinsky v. Scholastic Inc., 900 F. Supp. 2d 332, 335 (S.D.N.Y. 2012) (quoting *Medley v. Am. Cancer Soc.*, No. 10-CV-3214, 2010 WL 3000028, at *1 (S.D.N.Y. July 23, 2010)). The letter must also address whether there is a *bona fide* dispute as to the number of hours worked or the amount of compensation due and how much of the proposed settlement plaintiff’s attorney shall

be seeking as fees. *Cheeks*, 796 F.3d at 203, 206. Absent special circumstances, the Court will not approve any settlement agreement that is filed under seal or in redacted form. *Id.* at 206.

The parties are directed to file a letter or stipulation, in accordance with the instructions above, on or before June 24, 2025. All other deadlines and conferences are adjourned *sine die*.

SO ORDERED.

Dated: May 28, 2025
New York, New York



J. PAUL OETKEN
United States District Judge